



Patent
Docket No: 53836USA1A.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10pm
02-27-01

In re Application of:

Mark R. Buckingham and Walton W. Welna

Group Art Unit: 1714

Serial No.: 09/277,312

Examiner: V. Hoke

Filed: March 26, 1999

For: INTUMESCENT FIRE SEALING COMPOSITION

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

February 16, 2001

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David B. Pate

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RESPONSE

Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the Official Action dated October 16, 2000, Applicant submitted herewith a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, and hereby respectfully requests reconsideration of the above-identified patent application. A Request for Extension of Time extending the time for responding to the Office Action one (1) month from January 16, 2001 to February 16, 2001, is submitted herewith.

Remarks

Claims 1-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Welna U.S. Patent No. 5,578,671, and claims 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Welna in view of Michaeli. The rejection of claims 1-15 under 35 U.S.C. §103(a) as unpatentable over the cited references is unwarranted and should be withdrawn. The claims contained in the application as filed are believed to be patentable over the cited references for the reasons outlined below.

The Welna patent 5,578,671 relates to a non-aqueous, indefinitely conformable, halogen free, intumescent putty. The putty has a softness value of at least 4 mm, and remains in a soft, pliable, and unexpanded condition until it is exposed to heat. (Col. 1, line 31, and col. 3, lines 13-14) The softness of the putty refers to the ability of the putty to be shaped or